

JAN 17 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT LEE GIVENS,

Plaintiff - Appellant,

v.

LOS ANGELES COUNTY SUPERIOR
COURT; et al.,

Defendants - Appellees.

No. 05-56267

D.C. No. CV-05-05063-R

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted January 9, 2006^{**}

Before: HUG, O'SCANNLAIN and SILVERMAN, Circuit Judges.

California state prisoner Robert Lee Givens appeals pro se from the district court's dismissal for lack of jurisdiction of his "Petition for Writ of Mandate and

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Declaratory Relief,” asking the district court to declare that the California superior court violated state rules and code by calling for an informal response to his state habeas petition.

Federal courts lack jurisdiction to issue a writ of mandamus to a state court. *See Demos v. United States Dist. Court for the E. Dist. of Wash.*, 925 F.2d 1160, 1161 (9th Cir. 1991) (order). Accordingly, the district court’s order is affirmed.

All pending motions are denied as moot.

AFFIRMED.